

2005 DRAFTING REQUEST

Bill

Received: **09/30/2004**

Received By: **dkennedy**

Wanted: **As time permits**

Identical to LRB:

For: **Administration-Budget 6-8593**

By/Representing: **Milioto**

This file may be shown to any legislator: **NO**

Drafter: **dkennedy**

May Contact: **DHFS**

Addl. Drafters:

Subject: **Mental Health - protect place**

Extra Copies:

Submit via email: **NO**

Pre Topic:

DOA:.....Milioto, BB0058 -

Topic:

Guardianship and adult protective services grants

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	dkennedy 10/01/2004	kfollett 10/21/2004		_____			S&L
/1			rschluet 10/22/2004	_____	sbasford 10/22/2004		S&L
/2	dkennedy 12/01/2004	kfollett 12/01/2004	pgreensl 12/01/2004	_____	lemery 12/01/2004		S&L
/3	dkennedy 12/27/2004	lkunkel 12/29/2004	chaugen 01/03/2005	_____	mbarman 01/03/2005		

FE Sent For:

2005 DRAFTING REQUEST

Bill

Received: **09/30/2004**

Received By: **dkennedy**

Wanted: **As time permits**

Identical to LRB:

For: **Administration-Budget 6-8593**

By/Representing: **Milioto**

This file may be shown to any legislator: **NO**

Drafter: **dkennedy**

May Contact: **DHFS**

Addl. Drafters:

Subject: **Mental Health - protect place**

Extra Copies:

Submit via email: **NO**

Pre Topic:

DOA:.....Milioto, BB0058 -

Topic:

Guardianship and adult protective services grants ✓

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	dkennedy 10/01/2004	kfollett 10/21/2004		_____			S&L
/1			rschluet 10/22/2004	_____	sbasford 10/22/2004		S&L
/2	dkennedy 12/01/2004	kfollett 12/01/2004	pgreensl 12/01/2004	_____	lemery 12/01/2004		

FE Sent For:

13 lmk 12/29 ch 1-3
sent ch 1-3

<END>

<END>

2005 DRAFTING REQUEST

Bill

Received: **09/30/2004**

Received By: **dkennedy**

Wanted: **As time permits**

Identical to LRB:

For: **Administration-Budget 6-8593**

By/Representing: **Milioto**

This file may be shown to any legislator: **NO**

Drafter: **dkennedy**

May Contact: **DHFS**

Addl. Drafters:

Subject: **Mental Health - protect place**

Extra Copies:

Submit via email: **NO**

Pre Topic:

DOA:.....Milioto, BB0058 -

Topic:

Guardianship and adult protective services grants

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	dkennedy 10/01/2004	lrb_editor		_____ _____			S&L

FE Sent For:

<END>

2005 DRAFTING REQUEST

Bill

Received: **09/30/2004**

Received By: **dkennedy**

Wanted: **As time permits**

Identical to LRB:

For: **Administration-Budget 6-8593**

By/Representing: **Milioto**

This file may be shown to any legislator: **NO**

Drafter: **dkennedy**

May Contact: **DHFS**

Addl. Drafters:

Subject: **Mental Health - protect place**

Extra Copies: **DHFS**

Submit via email: **NO**

Pre Topic:

DOA:.....Milioto, BB0058 -

Topic:

Guardianship and adult protective services grants

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
--------------	----------------	-----------------	--------------	----------------	------------------	-----------------	-----------------

/?	dkennedy	11 kjf 10/24					
----	----------	-----------------	--	--	--	--	--

FE Sent For:

10
22
4
66
<END>

DAK

-0356

2005-07 Budget Bill Statutory Language Drafting Request

- Topic: Adult Protective Services
- Tracking Code: BB 005-8
- SBO team: Health and Insurance
- SBO analyst: Steve Milioto
 - Phone: 266-8593
 - Email: steve.milioto@doa.state.wi.us
- Agency acronym: DHFS
- Agency number: 435

Adult Protective Services

Current Language

Funding for guardianship grants is provided in the appropriation under s. 20.435 (7)(cg). S. 46.977 governs the use of the guardianship grants.

Proposed Change

46.977 Guardianship and Adult Protective Services Grants

Replace (2) with the following.

(2) Grant Applications and Awards.

(a) The Department shall award grants to organizations under this section for the following purposes:

- 1) Recruiting, training, monitoring and assisting guardians for persons determined to be incompetent under ch. 880, and
- 2) Developing informational materials to support the activities under ch. 55 and s. 46.90.

No grant may be awarded unless the applicant provides matching funds equal to 10% of the amount of the award. The department shall make grants under this section from the appropriation under s. 20.435 (7)(cg).

(b) Organizations awarded grants under 2(a)(1) shall do the following:

- 1) Advise individuals or organizations that recruit guardians for persons determined to be incompetent under ch. 880.
- 2) Provide training and technical assistance on guardianship issues.
- 3) Monitor the performance of recruited guardians to ensure their compliance with their duties.
- 4) Provide technical assistance to recruited guardians in performing their duties.

20.435(7)(cg) Guardianship and Adult Protective Services Grant Programs

The amounts in the schedule for guardianship and adult protective services grants under s. 46.977.

Effect of the Change

This change would allow the Department to reallocate a portion of the guardianship grant funding to adult protective service activities. In addition it would update the statutes to clarify the activities for which the guardianship and adult protective services grant funds are to be used.

Rationale for the Change

The Department requests to reallocate \$93,600 GPR from current funding for the Guardianship Grants to fund two major pieces of the Adult Protective Services Modernization project, professional education and a public awareness campaign.

The Guardianship Grants are GPR funded grants administered by the Division of Disability and Elder Services. A total of \$193,600 GPR is budgeted annually in s. 20.435 (7)(cg). These funds are used for two primary purposes, a statewide information and assistance clearinghouse for guardianship issues and to fund start-up costs for county and non-profit organizations to develop programs to recruit and retain guardians. None of the Guardianship Grant funding is used to provide direct services. The statewide information and assistance clearinghouse is funded annually with \$100,000 GPR. The Coalition of Wisconsin Aging Groups, Elder Law Center is the current recipient of these funds. Under this proposal, funding for this purpose would not be affected. The remaining \$93,600 GPR is to be granted to county and non-profit organizations to fund the start-up costs of developing a program to recruit and retain guardians. This portion of the funds has not been allocated since FY 03, and no counties have contacted the Department seeking these funds. This funding is not intended for direct services.

The Department has determined that providing funding to implement statewide recommendations of the Adult Protective Services Modernization Project is a higher priority than funding start up costs for guardianship recruitment projects that impact three or four counties. The reallocated funds will be contracted to public or private organizations such as the Coalition of Wisconsin Aging Groups, Wisconsin Coalition for Advocacy or the University of Wisconsin, Elder Law Clinic to perform activities related to Adult Protective Services. Specific examples of items the reallocated funding could be targeted towards are:

- Enabling the Department to participate in the development of newly mandated training for guardians ad litem for adults needing adult protective services.
- Securing grants to aid in the implementation of the proposed revisions to chapters 55, 880 and s. 46.90 statutory changes expected to occur in 2005.
- Identifying and coordinating expert clinical and subject matter consultants to respond to requests from existing county elder abuse inter-disciplinary teams on a voluntary or low cost basis.
- Developing in-service training modules on frequently requested topics for elder abuse inter-disciplinary teams.
- Providing technical assistance on areas of current law that cause confusion, e.g. HIPPA compliance, release of information, and documentation.
- Developing and provide technical assistance materials related to required reporters, especially needed once Chapter 55 and 46.90 statutory changes are enacted.
- Adapting current elder abuse reporting forms to be completed and submitted electronically and build in the capacity to have it accommodate 18-59 year olds once the new legislation passes.
- Conducting a statewide public awareness campaign on adult protective services and elder abuse.

Desired Effective Date:	Upon Passage
Agency:	DHFS
Agency Contact:	Erin Warner
Phone:	266-9363



SOON - In edit 10/11
State of Wisconsin
2005 - 2006 LEGISLATURE

D. NOTE

LRB-035677

DAK: [Signature]

DOA:.....Milioto, BB0058 - Guardianship and adult protective services grants

FOR 2005-07 BUDGET -- NOT READY FOR INTRODUCTION

Do Not Gen

1 AN ACT ...; relating to: the budget

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

MENTAL ILLNESS AND DEVELOPMENTAL DISABILITIES

Under current law, ~~the Department of Health and Family Services (DHFS)~~ annually awards grants of general purpose revenues to applying private, nonprofit agencies and county departments of social services, human services, community programs, or developmental disabilities services, for the purposes of recruiting, training, monitoring, and assisting guardians for persons who are adjudicated incompetent.

This bill expands the Guardianship Grant Program to include grants for adult protective services, under which awardees must develop informational materials to support activities under the elder abuse reporting and protective placement and protective services systems.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 20.435 (7) (cg) of the statutes is amended to read:

20.435 (7) (cg) Guardianship grant program and adult protective services grants. The amounts in the schedule for guardianship and adult protective services grants under s. 46.977.

History: 1971 c. 125 ss. 138 to 155, 522 (1); 1971 c. 211, 215, 302, 307, 322; 1973 c. 90, 198, 243; 1973 c. 284 s. 32; 1973 c. 308, 321, 322, 333, 336; 1975 c. 39 ss. 153 to 173, 732 (1), (2); 1975 c. 41 s. 52; 1975 c. 82, 224, 292; 1975 c. 413 s. 18; 1975 c. 422, 423; 1975 c. 430 ss. 1, 2, 80; 1977 c. 29 ss. 236 to 273, 1657 (18); 1977 c. 112; 1977 c. 203 s. 106; 1977 c. 213, 233, 327; 1977 c. 354 s. 101; 1977 c. 359; 1977 c. 418 ss. 129 to 137, 924 (18) (d), 929 (55); 1977 c. 428 s. 115; 1977 c. 447; 1979 c. 32 s. 92 (11); 1979 c. 34, 48; 1979 c. 102 s. 237; 1979 c. 111, 175, 177; 1979 c. 221 ss. 118g to 133, 2202 (20); 1979 c. 238, 300, 331, 361; 1981 c. 20 ss. 301 to 356b, 2202 (20) (b), (d), (g); 1981 c. 93 ss. 3 to 8, 186; 1981 c. 298, 314, 317, 359, 390; 1983 a. 27 ss. 318 to 410, 2202 (20); 1983 a. 192, 199, 245; 1983 a. 333 s. 6; 1983 a. 363, 398, 410, 427; 1983 a. 435 ss. 2, 3, 7; 1983 a. 538; 1985 a. 24, 29, 56, 73, 120, 154, 176, 255, 281, 285, 332; 1987 a. 27, 339, 368, 398, 399, 402; 1987 a. 403 ss. 25, 256; 1987 a. 413; 1989 a. 31, 53; 1989 a. 56 ss. 13, 259; 1989 a. 102; 1989 a. 107 ss. 11, 13, 17 to 37; 1989 a. 120, 122, 173, 199, 202, 318, 336, 359; 1991 a. 6, 39, 189, 269, 275, 290, 315, 322; 1993 a. 16, 27, 76, 98, 99, 168, 183, 377, 437, 445, 446, 450, 469, 479, 490, 491; 1995 a. 27 ss. 806 to 961r, 9126 (19); 1995 a. 77, 98; 1995 a. 216 ss. 26, 27; 1995 a. 266, 276, 289, 303, 404, 417, 440, 448, 464, 468; 1997 a. 27 ss. 211, 214, 216, 217, 527 to 609; 1997 a. 35, 105, 231, 237, 280, 293; 1999 a. 5, 9, 32, 52, 84, 103, 109, 113, 133, 185, 186; 2001 a. 16, 69, 103, 105; 2003 a. 33, 139, 186, 318, 320, 326, 327.

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 2. 46.977 (title) of the statutes is amended to read:

46.977 (title) Guardianship and adult protective services grants.

History: 1987 a. 368; 1989 a. 31; 1995 a. 27, 464.

SECTION 3. 46.977 (2) (a) of the statutes is renumbered 46.977 (2) (a) (intro.)

and amended to read:

46.977 (2) (a) (intro.) ~~Annually, prior to April 30, an organization may apply to From the appropriation under s. 20.435 (7) (cg), the department for a grant may~~ under this section, based on the criteria under par. (c), award grants to applying organizations for the purpose of recruiting any of the following purposes: ~~1. Recruiting, training, monitoring, and assisting guardians for persons determined to be incompetent under ch. 880. By June 30, the department shall determine which organizations will receive a grant during the following fiscal year based on the criteria under par. (c).~~

(am) No grant under par. (a) may be awarded paid unless the applicant awardee provides matching funds equal to ~~10%~~ ^{10 percent} of the amount of the award. The department shall make grants under this section from the appropriation under s. 20.435 (7) (cg).

History: 1987 a. 368; 1989 a. 31; 1995 a. 27, 464.

1 **SECTION 4.** 46.977 (2) (a) 2. of the statutes is created to read:

2 46.977 (2) (a) 2. Developing informational materials to support activities under
3 s. 46.90 and ch. 55.

4 **SECTION 5.** 46.977 (2) (b) (intro.) of the statutes is amended to read:

5 46.977 (2) (b) (intro.) Organizations awarded grants under ~~this section~~ par. (a)
6 1. shall do all of the following:

7 **History:** 1987 a. 368; 1989 a. 31; 1995 a. 27, 464.

(END)

D-NOTE

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**


LRB-03567/dn

DAK: 

Date

To Steve Milioto and Erin Warner:

Note that this draft, under your instructions, eliminates the deadlines for receipt of grant applications and determinations of grant awards.

Note also that I changed newly renumbered s. 49.977 (2) (am). It makes little sense to require an *applicant* to provide matching funds before an award is made. 

If you have questions or comments, please do not hesitate to call.

Debora A. Kennedy
Managing Attorney
Phone: (608) 266-0137
E-mail: debora.kennedy@legis.state.wi.us

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0356/1dn
DAK:kjf:rs

October 22, 2004

To Steve Milioto and Erin Warner:

Note that this draft, under your instructions, eliminates the deadlines for receipt of grant applications and determinations of grant awards.

Note also that I changed newly renumbered s. 49.977 (2) (am). It makes little sense to require an *applicant* to provide matching funds before an award is made.

If you have questions or comments, please do not hesitate to call.

Debora A. Kennedy
Managing Attorney
Phone: (608) 266-0137
E-mail: debora.kennedy@legis.state.wi.us

Kennedy, Debora

From: Milioto, Steve
Sent: Monday, November 29, 2004 3:30 PM
To: Kennedy, Debora
Subject: FW: Edits to APS



Adult Protective
Services.doc

I think I solved the mystery. I sent this e-mail to the other Deborah Kennedy in the global address book before I realized that there are two Deborah Kennedys in the book. Sorry -- it's my fault! Best, Steve

-----Original Message-----

From: Milioto, Steve
Sent: Monday, November 01, 2004 2:25 PM
To: Kennedy, Deborah M. DOC
Subject: FW: Edits to APS

Hi Deborah --

We are considering doing something in this area but until I'm sure what that will be, please make the revisions below. Let me know if any of the department's suggested changes are problematic. Best, Steve

-----Original Message-----

From: Warner, Erin
Sent: Monday, November 01, 2004 1:20 PM
To: Milioto, Steve
Cc: McDowell, Donna; Raymond, Jane; Bove, Fredi-Ellen; Forsaith, Andrew
Subject: Edits to APS

Hi Steve,

The Department recommends a few edits to the APS/Guardianship statutory language draft.

D-N ✓ 1) On the draft you sent on 46.977 (2)(b) the sentence reads,
"Organizations awarded grants under par. a1 shall do all of the following:

Could we strike the all of from that sentence.

2) The department had proposed changes to section 2(b) that are not shown on the draft you sent over. Although they were minor wording changes, they are important in achieving the goals of the restructured guardianship grants. The restructured grants will focus on statewide efforts rather than local projects. I have attached the language the Department submitted in hopes you will reconsider making these changes.

3) In addition, the original draft we submitted overlooked one additional modification to 46.977. In section 46.977 (c), number 1 should be deleted. Again we are targeting the funding to an organization to provide statewide guardianship information and assistance. Number 1 is no longer necessary since local pilot projects will no longer exist.

Please contact me with questions. Thanks again for your help.

Erin



State of Wisconsin
2005 - 2006 LEGISLATURE

LRB-0356/P 2

DAK:kjf:rs

D-NOTE

DOA:.....Milioto, BB0058 - Guardianship and adult protective services grants

FOR 2005-07 BUDGET -- NOT READY FOR INTRODUCTION

No Not Gen

1 AN ACT ...; relating to: the budget.

INSERT ANAL 1

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

MENTAL ILLNESS AND DEVELOPMENTAL DISABILITIES

Under current law, DHFS annually awards grants of general purpose revenues to applying private, nonprofit agencies and county departments of social services, human services, community programs, or developmental disabilities services, for the purposes of recruiting, training, monitoring, and assisting guardians for persons who are adjudicated incompetent.

This bill expands the Guardianship Grant Program to include grants for adult protective services, under which awardees must develop informational materials to support activities under the elder abuse reporting and protective placement and protective services systems. (GGP)

INSERT ANAL 2

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 20.435 (7) (cg) of the statutes is amended to read:

2 20.435 (7) (cg) *Guardianship grant program and adult protective services*
3 *grants.* The amounts in the schedule for guardianship and adult protective services
4 grants under s. 46.977.

 ****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

5 **SECTION 2.** 46.977 (title) of the statutes is amended to read:

6 **46.977 (title) Guardianship and adult protective services grants.**

7 **SECTION 3.** 46.977 (2) (a) of the statutes is renumbered 46.977 (2) (a) (intro.)
8 and amended to read:

9 46.977 (2) (a) (intro.) ~~Annually, prior to April 30, an organization may apply~~
10 ~~to~~ From the appropriation under s. 20.435 (7) (cg), the department for a grant may
11 under this section, based on the criteria under par. (c), award grants to applying
12 organizations for the purpose of recruiting any of the following purposes:

13 1. Recruiting, training, monitoring, and assisting guardians for persons
14 determined to be incompetent under ch. 880. ~~By June 30, the department shall~~
15 ~~determine which organizations will receive a grant during the following fiscal year~~
16 ~~based on the criteria under par. (c).~~

17 (am) No grant under par. (a) may be awarded paid unless the applicant
18 awardee provides matching funds equal to ~~10%~~ 10 percent of the amount of the
19 award. ~~The department shall make grants under this section from the appropriation~~
20 ~~under s. 20.435 (7) (cg).~~

21 **SECTION 4.** 46.977 (2) (a) 2. of the statutes is created to read:

22 46.977 (2) (a) 2. Developing informational materials to support activities under
23 s. 46.90 and ch. 55.

1 **SECTION 5.** 46.977 (2) (b) (intro.) of the statutes is amended to read:

2 46.977 **(2)** (b) (intro.) Organizations awarded grants under this section par. (a)

3 1. shall do ~~all~~ of the following:

4

(END)

at least one

INSERT 3-3

D-NOTE

DAK: kgl

D-NOTE Date

I removed "all" from s. 46. 977(2)(b)(intro.),
but substituted "at least one" to minimize ambiguity.

DAK

2005-2006 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0356/2ins
DAK:kjfrs

INSERT ANAL 1

No ~~§~~ Grants are awarded, in part, on the basis of need for recruitment, training, monitoring, and assistance of guardians for persons in the applicants' communities.

INSERT ANAL 2

No ~~§~~ The bill eliminates community need for guardians as a basis for awarding guardianship grants and makes minor changes to GPP.

INSERT 3-3

1 **SECTION 1** ~~§~~ 46.977 (2) (b) 1. of the statutes is amended to read:

2 46.977 (2) (b) 1. ~~Recruit~~ Advise individuals or organizations ~~to act as that~~
3 recruit guardians for persons determined to be incompetent under ch. 880.

4 History: 1987 a. 368; 1989 a. 31; 1995 a. 27, 464.

5 **SECTION 2** ~~§~~ 46.977 (2) (b) 2. of the statutes is amended to read:

6 46.977 (2) (b) 2. Provide training ~~for recruited guardians~~ and technical
7 assistance on their duties guardianship issues.

8 History: 1987 a. 368; 1989 a. 31; 1995 a. 27, 464.

8 **SECTION 3** ~~§~~ 46.977 (2) (b) 4. of the statutes is amended to read:

9 46.977 (2) (b) 4. Provide technical assistance to recruited guardians in
10 performing their duties.

11 History: 1987 a. 368; 1989 a. 31; 1995 a. 27, 464.

11 **SECTION 4** ~~§~~ 46.977 (2) (c) (intro.) and 2. of the statutes are consolidated,
12 renumbered 46.977 (2) (c) and amended to read:

13 46.977 (2) (c) In reviewing applications for grants, the department shall
14 consider ~~all of the following:~~ The ~~the~~ extent to which the proposed program will
15 effectively recruit, train, monitor and assist guardians for persons determined to be
16 incompetent under ch. 880.

17 History: 1987 a. 368; 1989 a. 31; 1995 a. 27, 464.

17 **SECTION 5** ~~§~~ 46.977 (2) (c) 1. of the statutes is repealed.

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0356/2dn
DAK:kjf:pg

December 1, 2004

I removed "all" from s. 46.977 (2) (b) (intro.), but substituted "at least one" to minimize ambiguity.

Debora A. Kennedy
Managing Attorney
Phone: (608) 266-0137
E-mail: debora.kennedy@legis.state.wi.us

Kennedy, Debora

From: Milioto, Steve
Sent: Thursday, December 23, 2004 11:52 AM
To: Kennedy, Debora
Subject: RE: Draft 356

Ah, now I get it! I read your original e-mail in the exact opposite way you intended it.

Let's go ahead and make those changes. Also, all the Adult Protective Services changes should be removed. (This is quite different from what the department wants so if you have any questions, direct them to me.) Best, Steve

-----Original Message-----

From: Kennedy, Debora [mailto:Debora.Kennedy@legis.state.wi.us]
Sent: Thursday, December 23, 2004 11:41 AM
To: Milioto, Steve
Subject: RE: Draft 356

I'm not proposing that all those provisions be repealed; I'm proposing that s. 46.977 (2) (b) 1. and 3. be repealed, but that 46.977 (2) (a) and (c) 1. and 2. be amended.

-----Original Message-----

From: Milioto, Steve
Sent: Thursday, December 23, 2004 11:37 AM
To: Kennedy, Debora
Subject: RE: Draft 356

I think we would still need the language because the department awards the clearinghouse funding to CWAG (Coalition of Wisconsin Aging Groups). Without the language, I don't think there would be a mechanism for the department to award the funding. Best, Steve

-----Original Message-----

From: Kennedy, Debora [mailto:Debora.Kennedy@legis.state.wi.us]
Sent: Thursday, December 23, 2004 11:27 AM
To: Milioto, Steve
Subject: RE: Draft 356

If your goal now is only to fund a statewide information and assistance clearinghouse, it seems to me that the language in s. 46.977 concerning recruiting and monitoring guardians should be repealed--I would presume that a clearinghouse does not perform these functions. I don't know if DHFS would agree. The provisions I'm referring to are in s. 46.977 (2) (a), (b) 1. and 3., and (c) 1. and 2., stats.

-----Original Message-----

From: Milioto, Steve
Sent: Thursday, December 23, 2004 10:38 AM
To: Kennedy, Debora
Subject: Draft 356

Hi Debora --

In regard to draft 356, it now looks like we are going to reduce the schedule but not make any change to existing law.

We want to take the expenditure authority (\$93,600 GPR) that the department grants to counties and non-profit organizations to fund the start-up costs of developing programs to recruit and retain guardians. We have no plans to reduce the expenditure authority (\$100,000) that the department uses to fund a statewide information and assistance clearinghouse for guardians.

Since we want to allow the department to continue to spend the \$100,000, I believe current law should prevail. Please let me know if this is incorrect or if some portion of current law should be removed to reflect the \$93,600 reduction. Best, Steve



In edit 12/27
State of Wisconsin
2005 - 2006 LEGISLATURE

LRB-0356/23

DAK:kjg
lmk

D-NOTE

1/3

DOA:.....Milioto, BB0058 - Guardianship and adult protective services grants ✓

FOR 2005-07 BUDGET -- NOT READY FOR INTRODUCTION ✓

Don't Gen

1 AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

MENTAL ILLNESS AND DEVELOPMENTAL DISABILITIES

Under current law, DHFS annually awards grants of general purpose revenues to applying private, nonprofit agencies and county departments of social services, human services, community programs, or developmental disabilities services, for the purposes of recruiting, training, monitoring, and assisting guardians for persons who are adjudicated incompetent. Grants are awarded, in part, on the basis of need for recruitment, training, monitoring, and assistance of guardians for persons in the applicants' communities. *eliminates that part of*

This bill expands the Guardianship Grant Program (GPP) ~~to include grants for adult protective services, under which awardees must develop informational materials to support activities under the elder abuse reporting and protective placement and protective services systems.~~ The bill eliminates community need for guardians as a basis for awarding guardianship grants and makes minor changes to GPP.

GPP

recruit individuals or organizations to act as guardians and monitor the performance of recruited guardians

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 20.435 (7) (cg) of the statutes is amended to read:

2 20.435 (7) (cg) Guardianship grant program and adult protective services
3 grants. The amounts in the schedule for guardianship and adult protective services
4 grants under s. 46.977.

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

5 **SECTION 2.** 46.977 (title) of the statutes is amended to read:

6 **46.977 (title) Guardianship and adult protective services grants.**

7 **SECTION 3.** 46.977 (2) (a) of the statutes is renumbered 46.977 (2) (a) (intro.)
8 and amended to read:

9 46.977 (2) (a) (intro.) ~~Annually, prior to April 30, an organization may apply~~
10 ~~to From the appropriation under s. 20.435 (7) (cg), the department for a grant may~~
11 ~~under this section, based on the criteria under par. (c), award grants to applying~~
12 ~~organizations for the purpose of recruiting any of the following purposes:~~

13 1. Recruiting, training, monitoring, and assisting guardians for persons
14 determined to be incompetent under ch. 880. ~~By June 30, the department shall~~
15 ~~determine which organizations will receive a grant during the following fiscal year~~
16 ~~based on the criteria under par. (c).~~

17 (am) No grant under par. (a) may be awarded paid unless the applicant
18 awardee provides matching funds equal to ~~10%~~ 10 percent of the amount of the
19 award. ~~The department shall make grants under this section from the appropriation~~
20 ~~under s. 20.435 (7) (cg).~~

1 SECTION 4. 46.977 (2) (a) 2. of the statutes is created to read:
2 46.977 (2) (a) 2. Developing informational materials to support activities under
3 s. 46.90 and ch. 55.

INSERT
3-3

4 SECTION 5. 46.977 (2) (b) (intro.) of the statutes is amended to read:
5 46.977 (2) (b) (intro.) Organizations awarded grants under this section par. (a)
6 ~~shall do all~~ at least one of the following: RESTORE TO PLAIN TEXT

7 SECTION 6. 46.977 (2) (b) 1. of the statutes is ~~amended to read~~ repealed.
8 46.977 (2) (b) 1. ~~Recruit Advise individuals or organizations to act as that~~
9 recruit guardians for persons determined to be incompetent under ch. 880.

10 SECTION 7. 46.977 (2) (b) 2. of the statutes is amended to read:
11 46.977 (2) (b) 2. Provide training ~~for recruited guardians and technical~~
12 assistance on their duties guardianship issues.

13 ~~SECTION 8. 46.977 (2) (b) 4. of the statutes is amended to read:~~
14 ~~46.977 (2) (b) 4. Provide technical assistance to recruited guardians in~~

15 ~~performing their duties.~~

16 SECTION 9. 46.977 (2) (c) (intro.) and 2. of the statutes are consolidated,
17 renumbered 46.977 (2) (c) and amended to read:

18 46.977 (2) (c) In reviewing applications for grants, the department shall
19 consider all of the following: ~~The~~ the extent to which the proposed program will

20 effectively ~~recruit, train, monitor~~ and assist guardians for persons determined to be
21 incompetent under ch. 880.

22 SECTION 10. 46.977 (2) (c) 1. of the statutes is repealed.

23 (END)

D-NOTE

2005-2006 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0356/3ins
DAK:kjf:pg

INSERT 3-3

1 [✓]
SECTION 1. 46.977 (2) (a) of the statutes is amended to read:

2 46.977 (2) (a) ~~Annually, prior to April 30, an organization may apply to~~ From
3 ~~the appropriation under s. 20.435 (7) (cg), the department for a grant~~ may under this
4 ~~section, based on the criteria under par. (c), award grants to applying organizations~~
5 ~~for the purpose of recruiting, training, monitoring and assisting guardians for~~
6 ~~persons determined to be incompetent under ch. 880. By June 30, the department~~
7 ~~shall determine which organizations will receive a grant during the following fiscal~~
8 ~~year based on the criteria under par. (c).~~ No grant may be awarded paid unless the
9 ~~applicant~~ awardee provides matching funds equal to ~~10%~~ 10 percent of the amount
10 of the award. ~~The department shall make grants under this section from the~~
11 ~~appropriation under s. 20.435 (7) (cg).~~

History: 1987 a. 368; 1989 a. 31; 1995 a. 27, 464.

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU
(date)

LRB-0356/3dn

DAK:kjf:pg

Imk

To Steve Milioto:

I repealed s. 46.977 (2) (b) 1. and 3., stats., and I eliminated the DHFS proposal about activities under s. 46.90 and ch. 55, stats., but I retained some of the changes DHFS had made for the retained material because they appear to make the grants function better on a statewide, rather than local, basis.

Debora A. Kennedy
Managing Attorney
Phone: (608) 266-0137
E-mail: debora.kennedy@legis.state.wi.us

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0356/3dn
DAK:lmk:ch

January 3, 2005

To Steve Milioto:

I repealed s. 46.977 (2) (b) 1. and 3., stats., and I eliminated the DHFS proposal about activities under s. 46.90 and ch. 55, stats., but I retained some of the changes DHFS had made for the retained material because they appear to make the grants function better on a statewide, rather than local, basis.

Debora A. Kennedy
Managing Attorney
Phone: (608) 266-0137
E-mail: debora.kennedy@legis.state.wi.us



State of Wisconsin
2005 - 2006 LEGISLATURE

LRB-0356/3
DAK:kjf&lmk:ch

DOA:.....Milioto, BB0058 - Guardianship and adult protective services grants

FOR 2005-07 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau
HEALTH AND HUMAN SERVICES

MENTAL ILLNESS AND DEVELOPMENTAL DISABILITIES

Under current law, DHFS annually awards grants of general purpose revenues to applying private, nonprofit agencies and county departments of social services, human services, community programs, or developmental disabilities services, for the purposes of recruiting, training, monitoring, and assisting guardians for persons who are adjudicated incompetent. Grants are awarded, in part, on the basis of need for recruitment, training, monitoring, and assistance of guardians for persons in the applicants' communities.

This bill eliminates that part of the Guardianship Grant Program (GGP) under which awardees must recruit individuals or organizations to act as guardians and monitor the performance of recruited guardians. The bill eliminates community need for guardians as a basis for awarding guardianship grants and makes minor changes to GGP.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 46.977 (2) (a) of the statutes is amended to read:

2 46.977 (2) (a) ~~Annually, prior to April 30, an organization may apply to~~ From
3 the appropriation under s. 20.435 (7) (cg), the department for a grant may under this
4 section, based on the criteria under par. (c), award grants to applying organizations
5 for the purpose of recruiting, training, monitoring and assisting guardians for
6 persons determined to be incompetent under ch. 880. By June 30, the department
7 shall determine which organizations will receive a grant during the following fiscal
8 year based on the criteria under par. (c). No grant may be awarded paid unless the
9 applicant awardee provides matching funds equal to ~~10%~~ 10 percent of the amount
10 of the award. ~~The department shall make grants under this section from the~~
11 ~~appropriation under s. 20.435 (7) (cg).~~

12 **SECTION 2.** 46.977 (2) (b) (intro.) of the statutes is amended to read:

13 46.977 (2) (b) (intro.) Organizations awarded grants under ~~this section~~ par. (a)
14 shall do all of the following:

15 **SECTION 3.** 46.977 (2) (b) 1. of the statutes is repealed.

16 **SECTION 4.** 46.977 (2) (b) 2. of the statutes is amended to read:

17 46.977 (2) (b) 2. Provide training for ~~recruited guardians~~ and technical
18 assistance on their duties guardianship issues.

19 **SECTION 5.** 46.977 (2) (b) 3. of the statutes is repealed.

20 **SECTION 6.** 46.977 (2) (b) 4. of the statutes is amended to read:

21 46.977 (2) (b) 4. Provide technical assistance to recruited guardians in
22 performing their duties.

23 **SECTION 7.** 46.977 (2) (c) (intro.) and 2. of the statutes are consolidated,
24 renumbered 46.977 (2) (c) and amended to read:

46.977 (2) (c) In reviewing applications for grants, the department shall consider ~~all of the following:~~ The the extent to which the proposed program will effectively ~~recruit, train, monitor~~ and assist guardians for persons determined to be incompetent under ch. 880.

SECTION 8. 46.977 (2) (c) 1. of the statutes is repealed.

(END)